

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Bradley R. Hammell

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) Attorney Docket No.: F-759

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) Customer No.: 00919
) Group Art Unit: 4137
) Examiner: OBEID, Fahd A.

Title: Method for Providing a Shortcut to Shipping Information

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF
Commissioner for Patents
PO BOX 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is submitted in response to the March 31, 2008 Final Office Action ("Office Action"). A Notice of appeal is filed concurrently herewith. Consideration of the enclosed remarks is respectfully requested.

The following sections are enclosed:

1. Statement in Support of Pre-Appeal Brief Request For Review

Statement in Support of Pre-Appeal Brief Request For Review

Claims 1-20 are pending in the Application. Appellant respectfully requests that the panel find that the application is in condition for allowance or remove the finality of the Final Office Action.

Rejection under 35 USC § 102

In section 2 of the Office Action, the Examiner rejected Claims 1-3 and 5-20 under 35 U.S.C. 102(b) as allegedly anticipated by US Patent Application Publication No. 2002/0032573 by Williams, et al. ("Williams '573").

Appellant respectfully disagrees with the Examiner's interpretation of at least the term pinpoint as used herein and respectfully submit that the Examiner has not established a *prima facie* anticipation rejection as described herein. The Examiner has not shown at least the following elements in the one cited reference.

With regard to independent claim 1 and dependent claim 5 (also claims 7 and 13), the Examiner cites to Williams '573 at FIGs. 60 and 63 in section 3 of the Final Office Action to allegedly show pinpoint location data. Upon review of the cited figures and relevant text of the cited reference, it is clear that the reference does not teach or suggest pinpoint location information. The reference teaches only checkpoint information that is clearly distinguished in the specification of the instant application when describing pinpoint location data. Clearly it would not be reasonable to interpret pinpoint location data with checkpoint data when the specification in many places clearly contrasts the two. See for example, specification at paragraph 0020. Reviewing Williams '573 at FIG. 63, it is clear that each line item is a different shipment and that only status information is provided – not pinpoint location data.

Independent Claim 1, and Dependent claim 5:

1. A method for a user to find pinpoint status of a shipment being transported by a carrier, comprising the steps of:
clicking on a local shipment pinpoint symbol on a computer screen;

connecting automatically to an internet or private network, if a connection is not already established; then, in response to clicking on the shipment pinpoint symbol, sending automatically a shipping pinpoint status inquiry to the carrier via the internet or private network; requesting a pinpoint location of the shipment in response to the shipping pinpoint status inquiry; and receiving the requested pinpoint location of the shipment to the computer screen, wherein the pinpoint location identifies a position between checkpoints at each of which shipment presence is monitored regardless of user inquiries.

5. The method of claim 1, wherein the position is separate from all of the checkpoints.

Accordingly, the Examiner has not shown that the cited reference discloses each limitation of the claims and the final rejection should therefore be withdrawn.

With regard to independent claim 6 and dependent claims 8-9, 11 and 19-20, the Examiner cites to Williams '573 at page 101, 110 and 120 in section 7 of the Final Office Action to allegedly show shipment selection data, but that activity cannot be associated with a shipment since it is pre-shipment activity in Williams '573.

Moreover, with regard to claim 11 and section 11 of the Final Office Action, the cited reference clearly describes the system servers 21s-21z modifying the file and not the carrier servers 23-2 through 27-2 (See Williams '573 at FIG. 3).

Furthermore, with regard to claims 19-20 and sections 15-16 of the Final Office Action, the cited reference Williams '573 at paragraph 0565 does not teach or suggest providing such a message "when a delivery vehicle is a first distance from a delivery location associated with the shipment." Moreover the cited reference does not teach or suggest any background status polling process.

Independent Claim 6, and Dependent claims 8-9, 11 and 19-20:

6. A method for providing a user a status indication associated with a shipment being transported by a carrier, comprising the steps of:

processing a user transaction at a web site;
receiving a type of shipment selection;
creating a file that includes markup language and that includes at least one link to shipment tracking information;
providing the file to the user for storage locally at a user device;
receiving a check status request from the file after the file is activated; and
providing the status indication to the user.

8. The method of claim 6, further comprising the steps of:
replacing or modifying the file to create an improved file; and
activating the improved file to check an additional status of an additional shipment being transported by an additional carrier.

9. The method of claim 8, wherein the step of replacing or modifying the file is implemented at least partly by a program stored in the user device.

11. The method of claim 8, wherein the step of replacing or modifying the file is implemented at least partly by the carrier or by the additional carrier.

19. The method of claim 9, further comprising:
the program stored in the user device displays a location message when a delivery vehicle is a first distance from a delivery location associated with the shipment.

20. The method of claim 9, further comprising:
the program stored in the user device is loaded as a background process after the status indication changes.

Accordingly, the Examiner has not shown that the cited reference discloses each limitation of the claims and the final rejection should therefore be withdrawn.

The dependent claims are patentable for at least the reasons described.

Accordingly, Appellant respectfully requests that the panel find that the invention as presently claimed in claims 1-20 is patentable and in condition for allowance.

Respectfully submitted,

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